

PTO/SB/17 (12-04)2

Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b> <b>FEE TRANSMITTAL</b> <b>For FY 2006</b>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/665,518
<b>TOTAL AMOUNT OF PAYMENT (\$)</b> 310		Filing Date	September 22, 2003
		First Named Inventor	Stamm
		Examiner Name	Sheikh
		Art Unit	1615
		Attorney Docket No.	31672-224620

<b>METHOD OF PAYMENT (check all that apply)</b>	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: <u>22-0261</u> Deposit Account Name: <u>Venable LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
<b>Fee Description</b>	<b>Fee (\$)</b>	<b>Small Entity Fee (\$)</b>					
Each claim over 20 (including Reissues)	50	25					
Each independent claim over 3 (including Reissues)	200	100					
Multiple dependent claims	360	180					
<b>Total Claims</b> - 20 or HP <u>        </u> x <u>        </u> = <u>        </u> <b>Fee Paid (\$)</b> <u>        </u>							
<b>Multiple Dependent Claims</b> <u>        </u> <b>Fee (\$)</b> <u>        </u> <b>Fee Paid (\$)</b> <u>        </u>							
HP = highest number of total claims paid for, if greater than 20.							
<b>Indep. Claims</b> - 3 or HP = <u>        </u> x <u>        </u> = <u>        </u> <b>Fee Paid (\$)</b> <u>        </u>							
HP = highest number of total claims paid for, if greater than 3.							
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
<u>        </u> - 100 = <u>        </u> / 50 <u>        </u> (round up to a whole number) x <u>        </u> = <u>        </u>							
<b>4. OTHER FEE(S)</b>							
<b>Non-English Specification</b> , \$130 fee (no small entity discount)							
<b>Other (e.g., late filing surcharge):</b> <u>        </u> <b>Terminal Disclaimer (\$130); IDS (\$180)</b> <u>        </u> <b>\$310</b>							

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	38,898
Name (Print/Type)	Edward D. Grief	Telephone	(202) 344-4000
		Date	June 19, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete the form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Stamm et al**

Application No. **10/665,518**

Group Art Unit: **1615**

Filed: **September 22, 2003**

Examiner: **Sheikh**

For: **Capsules Containing Fenofibrate Compositions**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

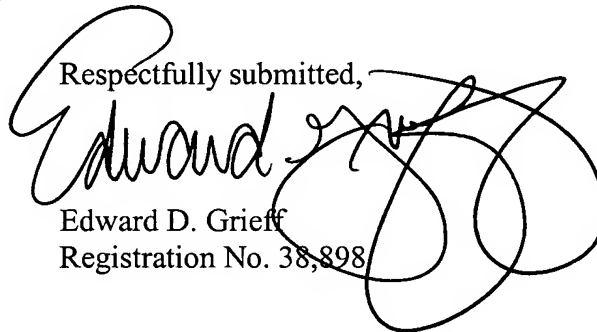
**Transmittal Letters**

Enclosed herewith for appropriate action by the US Patent Office are the following:

1. Terminal Disclaimer.
2. Information Disclosure Statement, PTO-1449 Form, and a copy of the required cited references.

The Commissioner is authorized to charge the fee of \$310 (including \$130 for the Terminal Disclaimer and \$180 for the IDS) to Deposit Account No. 22-0261. The Commissioner is authorized to charge any other necessary fees or credit any overpayments to Deposit Account No. 22-0261.

Respectfully submitted,



Edward D. Grieff  
Registration No. 38,898

Date: June 19, 2006  
Venable LLP  
575 7<sup>th</sup> Street, NW  
Washington, DC 20004  
Phone: 202-344-4382



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Stamm et al**

Application No. **10/665,518**

Group Art Unit: **1615**

Filed: **September 22, 2003**

Examiner: **Sheikh**

For: **Capsules Containing Fenofibrate Compositions**

Docket: 31672-224620

Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Terminal Disclaimer**

Laboratoires Fournier, S.A. certifies that it is the owner of the entire right, title and interest in Application No. 10/665,518 filed September 22, 2003, entitled "Capsules Containing Fenofibrate Compositions" (hereafter the "above-identified application") by virtue of an Assignment recorded in the US Patent and Trademark Office on June 17, 1998, at Reel 9260, Frame 0797.

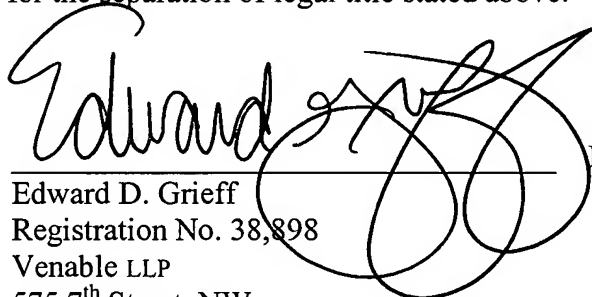
Laboratoires Fournier, S.A. certifies that it is the owner of the entire right, title and interest in US Application No. 10/665,520 filed September 22, 2003, by virtue of an Assignment recorded in the US Patent and Trademark Office on June 17, 1998, at Reel 9260, Frame 0797.

Pursuant to 37 CFR § 1.321, Laboratoires Fournier, S.A. hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of any patent granted on US Application No. 10/665,520 filed September 22, 2003, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on US Application No. 10/665,520 filed September 22, 2003; this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Laboratoires Fournier, S.A. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory

term of any patent granted on US Application No. 10/665,520 filed September 22, 2003, in the event that any patent granted on US Application No. 10/665,520 filed September 22, 2003, later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.32(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

By:



Edward D. Grieff  
Registration No. 38,898  
Venable LLP  
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Washington, DC 20004  
Phone: 202-344-4382  
Fax: 202-344-8300

Date: June 19, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Stamm et al**

Application No. **10/665,518**

Group Art Unit: **1615**

Filed: **September 22, 2003**

Examiner: **Sheikh**

For: **Capsules Containing Fenofibrate Compositions**

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Alexandria, VA 22313-1450

**Information Disclosure Statement**

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449 Form. A copy of the Non Patent Literature Documents and the Foreign Patent Documents is attached hereto.

The submission of this Information Disclosure Statement does not represent that a search has been made and does not constitute an admission that the listed documents, oppositions and/or litigations are material to patentability or that the listed documents are prior art.

This Information Disclosure Statement is being filed after the mailing date of a first office action on the merits, but before a final office action or a notice of allowance. Accordingly, the Commissioner is authorized to charge the fee of \$180 to Deposit Account No. 22-0261. The Commissioner is authorized to charge any other necessary fees or credit any overpayments to Deposit Account No. 22-0261.

Applicants respectfully request that the PTO return an initialed copy of the PTO-1449 Form with the next communication from the Office.

Respectfully submitted,

Edward D. Grieff  
Registration No. 38,898

06/21/2006 HALI11 00000072 220261 10665518  
01 FC:1806 180.00 DA

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PTO/SB/08B (07-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2

of

2

**Complete if Known**

Application Number

10/665,518

Filing Date

September 22, 2003

First Named Inventor

Stamm

Art Unit

1615

Examiner Name

Sheikh

Attorney Docket Number

224620

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Opposition to European Patent No. 1 273 293 filed 9-2-2005 by Ethypharm. (English Language Translation)	✓
		Laboratoires S.M.B. S.A. Report pages 1-4 (undated)	
		Report from Pr. Rosset entitled "La biodisponibilite du fenofibrate et les polymeres hydrophiles," Pages 1-20 (March 1, 2005)	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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